

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK RUFENER,)	CASE NO. C07-0068-RSL-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DIRECTING DEFENDANT
)	TO FILE A SECOND
MICHAEL J. ASTRUE,)	SUPPLEMENTAL BRIEF
Commissioner of Social Security,)	
)	
Defendant.)	
)	

At the time of oral argument on October 16, 2007, the Commissioner was ordered to submit supplemental briefing no later than October 30, 2007 on an issue not addressed in its response brief. Plaintiff was given the opportunity to reply by November 6, 2007.

The Commissioner has apparently misconstrued the issue to be addressed, because his brief again fails to do so. The Commissioner should file a second supplemental brief addressing the following issue:

“Plaintiff contends that a moderate restriction in the ability to concentrate is inconsistent with a functional capacity finding that he can perform three-step tasks.”

The Commissioner’s brief should be filed no later than the close of business on Thursday, November 8, 2007. The plaintiff is relieved of the responsibility to file a response by November

01 6, and instead should file his response no later than the close of business on Thursday, November
02 15, 2007.

03 DATED this 2nd day of November, 2007.

04 

05 Mary Alice Theiler
06 United States Magistrate Judge